

EXHIBIT B

DRAFT TRANSCRIPT

Case: U.S. v. Jeffrey Musumeci

CD: Musumeci DA 11/29/05

Date: 11/29/05

Length: 33 min, 39 sec

Participants: ADA Penelope Brady = BRADY
Jeffrey Musumeci = MUSUMECI
Detective Sean Ryan = RYAN

Abbreviations: Unintelligible = (U/I)

[Conversation Begins]

- 1 BRADY: Hi. Good evening.
- 2 MUSUMECI: Hi.
- 3 BRADY: It's Mr. Musumeci?
- 4 MUSUMECI: Jeffrey (U/I).
- 5 BRADY: We'll stay formal. Okay, my name is Penelope Brady. I'm an
6 Assistant District Attorney here in New York County. I want to
7 talk about what happened today. I'll let you have a chance to tell
8 me your side of things. It's November 29th, at approximately 7:50
9 p.m. and before we go any further, I want to advise you of your
10 rights. You have the right to remain silent and to refuse to answer
11 any questions. You understand?
- 12 MUSUMECI: Yes.
- 13 BRADY: Anything you do say may be used against you in a court of law,
14 you understand?
- 15 MUSUMECI: Yes.

1 BRADY: You have the right to consult with an attorney before speaking to
2 the police or me, and to have an attorney present during
3 questioning now. Do you understand?

4 MUSUMECI: I understand.

5 BRADY: If you cannot afford an attorney one will be provided for you
6 without cost. Do you understand?

7 MUSUMECI: Yes.

8 BRADY: If you do not have an attorney available you have the right to
9 remain silent until you have the opportunity to consult with one.
10 You understand?

11 MUSUMECI: Yes.

12 BRADY: Now that I had advised you of your rights, are you willing to talk?

13 MUSUMECI: Yes.

14 BRADY: Okay. Also present in the video room is Detective Sean Ryan.
15 Okay. Mr. Musumeci, where do you live?

16 MUSUMECI: Massapequa Park.

17 BRADY: Okay. How long have you lived there?

18 MUSUMECI: Since May 15th.

19 BRADY: Oh, so you just moved there?

20 MUSUMECI: Yeah.

21 BRADY: Where did you live before then?

22 MUSUMECI: On Hawthorne Street in Massapequa Park, but the owner of the
23 house, um, was selling the house, so I had to move.

24 BRADY: Okay. And have—how long have you lived in Massapequa Park?

25 MUSUMECI: Just since, um, September of '04. Before that I lived in Seaford for
26 five years.

27 BRADY: That's off on Long Island, right?

1 MUSUMECI: Nassau County.

2 BRADY: Are you from New York originally?

3 MUSUMECI: Um, I was born in Brooklyn, but I have been living on the island
4 since 1984.

5 BRADY: Okay. So you didn't live outside of New York at any point?

6 MUSUMECI: Oh, no, no, definitely not.

7 BRADY: And where do you work?

8 MUSUMECI: KLM Brokerage. It's—that's my business in Bellmore.

9 BRADY: Do you own that business?

10 MUSUMECI: Yes.

11 BRADY: Okay, what kind of business is that?

12 MUSUMECI: Insurance.

13 BRADY: Insurance. Okay. Do you, sorry, I'm from the south I say *in-*-
14 surance.

15 MUSUMECI: That's, that's quite alright.

16 BRADY: Um, what kind of insurance do you do?

17 MUSUMECI: Really, basically, all, all kinds, you know. They call it property
18 and casualty insurance.

19 BRADY: Okay. And how long have you been doing that?

20 MUSUMECI: Thirty one years.

21 BRADY: Okay. So your—pretty much your whole working life. Okay, and
22 what's your date of birth?

23 MUSUMECI: 4-23-54.

1 BRADY: Okay. And did you go to college or—?

2 MUSUMECI: Two years of college. C.C.N.Y.

3 BRADY: Okay, and have you owned that business the whole time or have
4 you just been—

5 MUSUMECI: No.

6 BRADY: in that kind of line of work?

7 MUSUMECI: Been in that kind of line of work. I've owned the business since
8 1992.

9 BRADY: Okay. Do you have a partner in that business or do you just own it
10 out right?

11 MUSUMECI: I do share office space, like I told the officer. I share office space
12 with another broker, but he has his own business.

13 BRADY: Gotcha. Okay. And where, where is your work located?

14 MUSUMECI: Bellmore, also Nassau County.

15 BRADY: Is it a, is it a big building, or is it—?

16 MUSUMECI: No, it's a, uh, a row of stores, like, a row of storefronts.

17 BRADY: Like a strip mall or—?

18 MUSUMECI: Well, I guess you would call it that, you know, there's a
19 chiropractor, there's a baseball card store, there's a, um, a cleaning
20 service, and there's an insurance office.

21 BRADY: Okay. And he shares this space with you in the office?

22 MUSUMECI: Yes.

23 BRADY: But he's completely separate.

24 MUSUMECI: But he's completely separate, that's correct.

25 BRADY: How, how do you separate the office then? His side, your side, get

1 MUSUMECI: Yes.

2 BRADY: And they also read you *Miranda* warnings just as I read you?

3 MUSUMECI: Yes.

4 BRADY: Okay. And you agreed to speak to them, right?

5 MUSUMECI: Yes.

6 BRADY: Okay. And you also, uh, signed two consent forms, um—

7 MUSUMECI: To go get my computers.

8 BRADY: For the computers and that was, um, at your home which is 146
9 McKinley?

10 MUSUMECI: Right.

11 BRADY: Okay. And also your bussiness which is—

12 MUSUMECI: Yes. 2277 Bellmore Avenue.

13 BRADY: The one in Bellmore, okay. Okay. Alright, now how did you get
14 to the city today?

15 MUSUMECI: My car.

16 BRADY: Your car. What kind of car do you have?

17 MUSUMECI: I have a 1999 Toyota 4Runner.

18 BRADY: When did you leave to come into the city today?

19 MUSUMECI: Oh, gee, about 2:30.

20 BRADY: What time did you get here?

21 MUSUMECI: About a quarter after three, twenty after three.

22 BRADY: Where did you go when you come in, to the city? What, where
23 did you drive to?

1 MUSUMECI: I drove to, uh, right by Houston Street. Is that how you pronounce
2 it? Houston street?

3 BRADY: And have you ever lived in Manhattan or worked in Manhattan?

4 MUSUMECI: No, but I did used to work in Brooklyn and I used to take the train
5 to Manhattan. But not in this area, I used to go to the World Trade
6 Center a lot.

7 BRADY: Okay. So you're not familiar with the area that you were driving
8 to?

9 MUSUMECI: No.

10 BRADY: How did you figure out how to get there?

11 MUSUMECI: By map.

12 BRADY: By map. Okay. Um, did you look online for a map or did you just
13 pull out a paper map?

14 MUSUMECI: No, I have a, I have a little, um—insurance brokers have little
15 Hagstrom maps, because when were writing property insurance we
16 have to know where it's located 'cause if it too close to the water,
17 we can't write it.

18 BRADY: Okay. So what brought you to the city today? Tell me how this all
19 began.

20 MUSUMECI: I'm pretty sure it was last Friday, where I was in a chat room.

21 BRADY: And that would have been the day after Thanksgiving, right?

22 MUSUMECI: I'm, I'm almost positive. I'm almost positive. It might have been
23 maybe Wednesday, the day before, but it was la—it was last week.
24 And I started talking to this person in the chat room.

25 BRADY: And what chat room was it?

26 MUSUMECI: I'm almost positive it was something like I love older men, or I
27 love much older men, or I love older men, something like that.

28 BRADY: And how long have your had an account with AOL?

1 MUSUMECI: Oh, AOL? Long time. Since I'm, uh, since I'm living in
2 Bethpage. Maybe ten years?

3 BRADY: Okay. And what screen name do you have at AOL?

4 MUSUMECI: The main screen name I have is JMUS3763, which is the address
5 that I used to live in Bethpage, so that's how I know. Um, at
6 AOL.com.

7 BRADY: And do you have other screen names? Like, I know some people
8 sometimes have five, six.

9 MUSUMECI: Yes, yes. STEVEWIL160.

10 BRADY: You have any other ones?

11 MUSUMECI: No, I don't.

12 BRADY: Does any—does your wife ever use your computer or your AOL?

13 MUSUMECI: She goes on the wedding web site.

14 BRADY: On the what?

15 MUSUMECI: Wedding web site.

16 BRADY: Okay. What's that?

17 MUSUMECI: It's, you know, a whole bunch of information, like where people
18 get married or where they, you know, what they got for flowers,
19 what they got for gifts. It's on the internet, it's not on AOL, it's on
20 the internet.

21 BRADY: Does she have a, an account?

22 MUSUMECI: No.

23 BRADY: No.

24 MUSUMECI: No.

25 BRADY: And so, and she doesn't have your passwords right?

1 MUSUMECI: No.

2 BRADY: Okay. What about anybody at your work, your secretary?

3 MUSUMECI: No.

4 BRADY: Anybody have any of those passwords?

5 MUSUMECI: No.

6 BRADY: Okay. So, when you were in that chat room, which—did you use
7 both names or were you—?

8 MUSUMECI: The one. The STEVE one.

9 BRADY: Okay. And what does that name come from?

10 MUSUMECI: It comes from the air.

11 BRADY: You just kind of made it up?

12 MUSUMECI: It's—exactly made it up. The JMUS one is the main screen name,
13 so the other screen names are the names that I use to, you know,
14 bullshit around with people, like, you know, they have other screen
15 names, but you don't want to mess around with the main screen
16 name because like insurance companies send you e-mail, you
17 know, when they need to know your e-mail address and that e-mail
18 address is constant, you know, since I've had the AOL account.

19 BRADY: The JMUS one?

20 MUSUMECI: Yes, the JMUS one.

21 BRADY: And you use that account for business as well?

22 MUSUMECI: Yes. Well, I don't advertise anything on that website, but all the
23 insurance companies send me, you know, stuff on that e-mail
24 address, so then I can, you know, print it out or whatever, you
25 know, memos, changes in rates, uh, you know, all kinds of things.

26 BRADY: So you had a separate e-mail account for work that's not AOL
27 based?

1 MUSUMECI: No, no, no, I have no, no—I have no web, uh, no website, no
2 special account. When an insurance company asks me for my e-
3 mail address, that's the one I give him.

4 BRADY: That's the one you give. Okay. And you said you've had it since
5 you've lived in Bethpage. How long has that been?

6 MUSUMECI: Bethpage. I've lived in Bethpage from 1990 to 1999.

7 BRADY: Okay. So you've had this for 15 years you'd say?

8 MUSUMECI: But I don't think I got on AOL until maybe a few years after I
9 moved in, so.

10 BRADY: Oh, so maybe like early- to mid-nineties.

11 MUSUMECI: Right. I would, I would say definitely.

12 BRADY: You've been AOL for ten years.

13 MUSUMECI: Ten years, yes.

14 BRADY: So you're familiar with chat rooms and how they work and all?
15 And all of that.

16 MUSUMECI: Yes.

17 BRADY: Okay. So you're in this chat room, how did you meet this
18 particular person, Lisa?

19 MUSUMECI: I must have just said hello. You know, I must have—I, I checked
20 her profile, and then I said hello, 'cause she was in the, you know,
21 in that chat room.

22 BRADY: And do you remember what was it, do you always check
23 someone's profile before you start to talk to them?

24 MUSUMECI: Yeah, usually. I mean, you know.

25 BRADY: I mean it makes sense to me that you would.

26 MUSUMECI: Yeah.

1 BRADY: Do you remember anything about her profile or what struck you to
2 talk to her or—?

3 MUSUMECI: Well, the first thing was she lived in New York because you can,
4 you know, talk to people that live in California. She lived in New
5 York and, uh, she just said that she's living with her grandmother
6 and, uh, she lived with her grandmother for the summer and she's
7 staying for the school year and, you know, and even I think where
8 it said location she wrote New York City for now. Something like
9 that.

10 BRADY: Okay. And so you started talking to her. What kind of things did
11 you talk about?

12 MUSUMECI: Well, I was, you know, asking her questions about what she likes
13 about older guys and, you know, and those type of things. What
14 she looked like, um, because she didn't have a, a picture. I don't
15 have a picture either, um, so I asked her what she looked like.
16 And, you know, just really general stuff, you know, at first.

17 BRADY: Okay. Besides, you know, what kind of what she looked like and,
18 and why she was in that particular chat room, anything else you
19 talked about in particular?

21 MUSUMECI: Honestly, I mean, I can't remember everything. To be honest with
22 you, I'm very nervous.

23 BRADY: That's okay.

24 MUSUMECI: I've never been in this situation before so please, you know, bear
25 with me. I don't know exactly what I, what I, word for word what
26 I talked about.

27 BRADY: No, and listen and I'm not asking you for specific accounting of
28 your conversation.

29 MUSUMECI: No, no, I, I understand I mean—

30 BRADY: (U/I)

31 MUSUMECI: You asked the general questions, you know.

Um, I'm not very familiar with the IMing, so I, I don't really know

exactly how, um, what, what is it that you talk about, I mean, do you talk about her interests, did you talk about what you do?

Well, unfortunately, you know, for my wife's sake, you know, obviously you talk about sex. You know, in the chat rooms.

Oh.

'Cause that's what the person's in the chat room, you know, I love older men, or I love much older men, or, or something of that nature.

So, you would say that your conversations with this person were strictly sexual?

No, no, not strictly. No.

Okay. So what other kinds of things did you—?

Well, with school, uh, you know, like I said, what you look like, you know, um—

And what did she tell you about school?

That was in her profile. That was, you know, that was on her profile. She's living with her grandmother, she's going to school.

Okay, but you don't remember anything about her school or anything like that?

Honestly, I don't remember if she told me the name of her school. I don't remember. I, I honestly don't remember what the name of her school was. If she even told me the name of her school.

Okay. And you said, you know, for your wife's sake you kind of strictly, not strictly keep it—

But obviously you know—

Generally about sex

Obviously, you know that you know when you're married you're not supposed to be doing this.

1 BRADY: I guess my question's why not you're still not having personal
2 conversations as far as what you do, or anything like that
3 because—

4 MUSUMECI: You mean—

5 BRADY: You're afraid your, that your wife is going to find out? I'm not
6 really following.

7 MUSUMECI: I—sex—what do you—I don't understand what you mean. Wha—

8 BRADY: Like, you said that generally you keep it towards sexually based
9 conversation because of your wife. I take it 'cause you don't want
10 her to find out.

11 MUSUMECI: (U/I) I mean she's, you know, obviously when you're married,
12 you're not even supposed to be talking about it.

13 BRADY: Okay. So, how many times would you say you talked to her on the
14 computer?

15 MUSUMECI: It's only been a week.

16 BRADY: Okay, (U/I) you can log on every five minutes, I mean.

17 MUSUMECI: Okay, I—

18 BRADY: Would you say it's—

19 MUSUMECI: Okay, I, I w—, I would say—.

20 BRADY: Ten, twenty?

21 MUSUMECI: Okay I'll say this much, um, I, I believe it was on F—uh, on Friday
22 she had told me that her cousin or something was staying over, so
23 we didn't speak the whole weekend.

24 BRADY: Okay.

25 MUSUMECI: And we didn't speak Thanksgiving Day, so I really only could have
26 talked to her maybe three days or four days, maybe, tops.

27 BRADY: Okay. And so, would you talk to her more than once in a day or

1 just generally once a day?

2 MUSUMECI: If she, if she was logged on, I would said hello. If she wasn't
3 logged on, I, you know, didn't talk to her.

4 BRADY: And how can you tell if she's logged on or not?

5 MUSUMECI: Because, um, her name is on, appears on my buddy list.

6 BRADY: Okay.

7 MUSUMECI: Once you, um, once you IM somebody or e-mail somebody, their
8 name, uh, comes up on your, on your list.

9 BRADY: (U/I)

10 MUSUMECI: Without even—no, no, no, you don't have to, no, you don't have to
11 do that. If you talk to somebody, or if you send an email to
12 somebody, their name, I don't know why, but their name
13 automatically appears on the list. Because I've gotten, when I've
14 logged on just to the screen name, I've seen names that, that I don't
15 even remember talking to, so I just keep deleting them. You know,
16 to keep the names that I do talk to on a regular basis.

17 BRADY: Do you, do you have a fairly new— Do you have a fairly new
18 version of AOL, maybe that's a newer version that does it. 'Cause
19 I know older versions, you had to input someone in your buddy list.

20 MUSUMECI: 9.0 Optimized, whatever that means.

21 BRADY: I think that's the newer version.

22 MUSUMECI: That's the newer version.

23 BRADY: Okay. So—

24 MUSUMECI: Makes it very easy for you.

25 BRADY: So you would see that she was on, so you said hello (U/I).

26 MUSUMECI: Of course. And by the same token I think she did that to me, too.

27 BRADY: And—

1 MUSUMECI: No.

2 BRADY: Did you ever, um, have any other con—conversations? Either on
3 the phone or—

4 MUSUMECI: Yeah, she called me, um, I think it was on Friday, I'm not
5 absolutely sure, and she called me today. That was it.

6 BRADY: Um.

7 MUSUMECI: And today it was, it was, um, just to make sure that I was gonna be
8 there at four o'clock, on Houston Street.

9 BRADY: Okay. Did she give you a number or did you give her a number?

10 MUSUMECI: I gave her my number.

11 BRADY: Okay, what number did you give her?

12 MUSUMECI: My cell phone number.

13 BRADY: Cause you—

14 MUSUMECI: Want to write that.

15 BRADY: ‘Cause you didn’t want to give her, you didn’t want to give her
16 your house.

17 MUSUMECI: No, I didn’t want to give her my house number. You’re absolutely
18 correct.

19 BRADY: What’s your cell number?

20 MUSUMECI: 5-1-6-6-5-9-9-5-6-5. There were no text messages sent. I can’t
21 even, I don’t even know how to do a text message. But I
22 remember having, I th—I’m pretty sure she called twice and I
23 never knew her number.

24 BRADY: Okay.

25 MUSUMECI: ‘Cause her number came up restricted on my cell phone and
26 because I don’t have that, whatever that block is, um, a restricted
27 number can call me.

1 BRADY: Do you normally answer restricted numbers or were you expecting
2 her call?
3
4 MUSUMECI: Um, today I was expecting her call. I don't, I don't know about the
5 last time she called, whether or not I was expecting it or it just
6 came up restricted number. But sometimes I get, you know,
7 restricted numbers and, and honestly they're, like, solicitations.
8 But I usually, if you check the cell phone, which I'm sure you will,
9 you'll find that I hardly ever use the cell phone. I'm not like one of
10 these people that don't, you know, can't live without their cell
11 phone.
12 BRADY: Is there a particular reason you don't use it very often or—?
13 MUSUMECI: It's, no—normally in the car. It's connected up to that speakerless,
14 you know, that wireless thing there, so I don't get a ticket for
15 driving around with a cell phone in my hand. And if anybody
16 needs to reach me, business-wise, I give them my business number,
17 obviously, and some of the clients even have my home number.
18 Which is very easy to remember, so I give them that. 'Cause the
19 cell phone, I hardly ever have it on.
20 BRADY: Gotcha. So other than talking to her, you know, on these instant
21 messages and then you had, you think, two phone conversations
22 with her, um, did you ever just straight out e-mail her?
23 MUSUMECI: No. Oh, e-mail her? Yeah, I might have e-mailed her to say hello,
24 you know, to say hi, you know.
25 BRADY: 'Cause that's different than instant messaging, right?
26 MUSUMECI: Yes, I know. Yes.
27 BRADY: Okay.
28 MUSUMECI: Yup.
29 BRADY: So, if she wasn't, lets say she wasn't signed on—
30 MUSUMECI: Okay.
31 BRADY: To AOL, would you, you know, send her e-mails and say hel-,
32 hello or—.

1 MUSUMECI: I think I've sent her a couple. How—hello, how are you, you
2 know, haven't seen you online or something like that, yeah. Yes,
3 I'm pretty sure that I have, you know. But like I said again, it's
4 really only been like, like a week, you know. So I mean, I don't
5 know how many there could be, you know, but it's only gonna be a
6 couple.

7 BRADY: And would she e-mail you, also?

8 MUSUMECI: Yeah, she's, she's e-mailed me when I wasn't online. Like, uh,
9 she, um, was that, was that, la—last night, was it Monday night?
10 (U/I) Monday night, maybe Sunday night. I'm, I'm not sure if it
11 was last night or, or Sunday night, but she was—oh, no, it was, it, I
12 know, it was yesterday because she said that her mother took her
13 out of school early to drive her cousin home, or something, the one
14 that was staying over the weekend, so, um, she must of e-mailed
15 me maybe about ten o'clock.

16 BRADY: At night, or in the morning?

17 MUSUMECI: At night. A quarter to ten, maybe, ten o'clock, something like that.
18 But, um, I, you know, I didn't have the computer on, so whenever,
19 I don't know, remember exactly when I got the message, but, I
20 wasn't online when she e-mailed me.

21 BRADY: Okay. So, she told you that her mom had taken her—

22 MUSUMECI: No, her grandmother.

23 BRADY: out of school early?

24 MUSUMECI: Her grandmother. Grandmother.

25 BRADY: Her grandmother had taken her out of school. So, she, you knew
26 she was in school?

27 MUSUMECI: Yes, absolutely.

28 BRADY: In, in high school or (U/I).

29 MUSUMECI: Absolutely, that's right.

30 BRADY: Okay. And did you have a conversation about her age, or how old

1 BRADY: And I, I understand what you're saying is that, you now, generally
2 if you're trying to met up with someone you send pictures. Did
3 you send a picture to this girl?

4 MUSUMECI: Yes. And she didn't have a picture, so I asked her to describe
5 herself. So this way at least you can get a mental picture of what
6 she looks like.

7 BRADY: Gotcha. Okay. So, you agree to meet up, where, where did you
8 agree to meet?

9 MUSUMECI: At Houston Street.

10 BRADY: Okay.

11 MUSUMECI: And, and Avenue A.

12 BRADY: And whose idea was that?

13 MUSUMECI: In the park. That was her idea 'cause I didn't know where, I didn't
14 know where the park was, and I didn't know, I mean, I know
15 Houston street, I know the name, you know, but I haven't been in
16 this area for a long time.

17 BRADY: And why didn't she come out to see you?

18 MUSUMECI: We were, we were meeting there so we both—

19 BRADY: No, I just mean why in New York City?

20 MUSUMECI: Cause she didn't have a car.

21 BRADY: Okay.

22 MUSUMECI: And she said even her grandmother doesn't have a car.

23 BRADY: Okay. So you meet at a park on, around Houston Street.

24 MUSUMECI: Houston and Avenue A. Exactly. Right in that park, on the corner.

25 BRADY: And what time where you supposed to meet her?

26 MUSUMECI: Four o'clock.

1 BRADY: Okay. And what was your plan? What were you gonna do?

2 MUSUMECI: Honestly, my plan was to fool around. That was my plan.

3 BRADY: Where were you going to go?

4 MUSUMECI: Sh—to her house.

5 BRADY: Okay.

6 MUSUMECI: 'Cause her grandmother was working until nine o'clock tonight.

7 BRADY: Okay. And do you remember where her house was? Was it close
8 to there?

9 MUSUMECI: On Avenue A.

10 BRADY: Okay.

11 MUSUMECI: But I don't have, I don't know the address.

12 BRADY: And so you met up with her, right?

13 MUSUMECI: Yes.

14 BRADY: Okay. And what did you think when you met her?

15 MUSUMECI: I thought she was pretty. I mean, is that what you mean?

16 BRADY: No, I mean, yeah, generally.

17 MUSUMECI: (Laughs) What, what, what would I think, I thought she was pretty.

18 BRADY: Okay. And how old did you think she was?

19 MUSUMECI: She, she looked eighteen years old. You know, you, you, just
20 because a person is short that doesn't mean anything 'cause there's
21 plenty of people who are short who, who are much older. But she
22 definitely looked like she was in high school. She didn't have any
23 books or anything on her, you know, I, it was, and, and like again, I
24 didn't know what school she went to, I didn't know the name it,
25 she never told me that, so.

1 BRADY: Okay. So you s—you said that you, you came here to fool around
2 here.
3 MUSUMECI: Yup.
4 BRADY: You're honest about that.
5 MUSUMECI: Yes, oh,
6 BRADY: Um.
7 MUSUMECI: No I didn't come here to, uh—
8 BRADY: I, I, I (U/I).
9 MUSUMECI: Pick flowers, I mean.
10 BRADY: Did you guys talk about what you were going to do?
11 MUSUMECI: No.
12 BRADY: Or anything like that?
13 MUSUMECI: You mean when I, when I met her? No, we just—
14 BRADY: No, I mean, y—obviously you're you, you're not (U/I).
15 MUSUMECI: She told me she had a boyfriend before. Okay. Which also would
16 lead me to believe that she was older, because she had a boyfriend
17 before. Now that's not to say you can't be ten years old and have a
18 boyfriend, but, you know, you would think that, you know,
19 somebody who's in high school had a boyfriend before. And she's
20 not with him anymore, so we did, you know, I did ask her that.
21 And, you know, I mean, that was it. Then we were going to go to
22 her house—to her apartment, her grandmother's apartment, and we
23 were gonna fool around.
24 BRADY: Were you planning on having sex with her?
25 MUSUMECI: Well.
26 BRADY: I mean—

1 MUSUMECI: Yes.

2 BRADY: I, I don't, I mean, I don't mean to—.

3 MUSUMECI: Yes! I was plan on having sex with her. Yes.

4 BRADY: Okay. Um, so you, you met her, um, you liked how she looked.

5 MUSUMECI: Mm-hmm.

6 BRADY: Um, what was your, no how did you decide to go back to her
7 grandmother's house?

8 MUSUMECI: That was, that was the agreement be—that what was we agreed to
9 do be—before I met her.

10 BRADY: Okay.

11 MUSUMECI: As she specifically told me that her grandmother was working
12 today and she was going to be out of the house until at least nine or
13 nine thirty, and if I got there at four o'clock, so, then that was
14 plenty of time to fool around and, and leave.

15 BRADY: Did you guys have any conversation when you met in the park
16 or—?

17 MUSUMECI: Yeah, she said that I looked really nice, and I said she looked very
18 pretty. You know, and I said, I said, uh, you sure your
19 grandmother is going to be out until nine or nine thirty and she said
20 yes, absolutely. I mean, and, you know, and we went to the, well,
21 went to her apartment.

22 BRADY: Okay.

23 MUSUMECI: Well, actually we didn't go to her apartment, we went to her
24 building. I, I have no idea what apartment she was in.

25 BRADY: What happened when you got to the building?

26 MUSUMECI: I walked in the front door, which was open, I mean unlocked, and
27 then, before anything else happened, the three officers came in.

28 BRADY: And, going back, and I, you know, in speaking to Detective Ryan I

1 understand that you had a condom with you, right?

2 MUSUMECI: Yes, absolutely.

3 BRADY: I take it, I take it, that that was for the purposes of having sex with
4 her.

5 MUSUMECI: I wasn't, yes, I wasn't blowing a balloon with the condoms, that's
6 right, yes.

7 BRADY: Okay. And I, I—

8 RYAN: You, you also had a camera with you?

9 MUSUMECI: Yes, a Polaroid. Yes, because

10 BRADY: What would she—

11 MUSUMECI: I said, I said to her, I said, I said let me take a face picture of you,
12 I'll scan it, and then you'll have a picture. I said because you're
13 very pretty, I said, and this way you'll have a picture. And she
14 said, you can do that? And I said yes, I have a scanner at my house.
15 I said I'll scan it for you, I said, and ma—, e-mail it to you.

16 BRADY: And does that work with Polaroids, if you, if you take (U/I).

17 MUSUMECI: I have a scanner, yeah. Oh, I've done it before, yes. You know,
18 when you have a, a good Polaroid that you want to keep, you scan
19 it, you, it, then it becomes, it goes on your computer. You can put
20 it on a disk or you can e-mail it to whomever you please.

21 BRADY: So, okay, so you, you get to the building and, and that's the point at
22 which you're arrested, right?

23 MUSUMECI: Yes. We went through the front door. There are two doors. We
24 went to the front door, which was open. The second door was
25 locked, obviously for security reasons, and she took out her key,
26 and then the officers came in the door. So we never even opened
27 up the second door.

28 BRADY: So, there was two doors in the entrance?

29 MUSUMECI: Yes, the first door, like I said, was, is unlocked, the outside door.

1 BRADY: Okay. So how did you think the detectives arrived, got there?

2 MUSUMECI: Honestly, I honestly have no clue.

3 BRADY: Okay.

4 MUSUMECI: I mean, I'm clueless.

5 BRADY: Okay, well let me tell you that the girl that you met—

6 MUSUMECI: Mm-hmm.

7 BRADY: Is an undercover police officer.

8 MUSUMECI: Okay, well.

9 BRADY: Alright. And they've been monitoring your chats.

10 MUSUMECI: Okay.

11 BRADY: Since they started.

12 MUSUMECI: Okay.

13 BRADY: Okay. And it seems clear to me, at least, that she tells you a couple
14 of times that she's thirteen.

15 MUSUMECI: Well, as far as I knew, she was eighteen years old.

16 BRADY: Okay, 'cause the first time you talked to her, which you said you
17 thought might have been last Wednesday.

18 MUSUMECI: So she, so how old is she?

19 BRADY: Well, that—how old did you think she was?

20 MUSUMECI: I t—I told you I thought she was eighteen years old.

21 BRADY: See, when you first started chatting with her, you introduced
22 yourself, and you said you were divorced, um, you kind of gave
23 your description that you lived on Long Island and you were
24 looking for a younger woman. And you asked (U/I) if forty-five
25 was too old for her, and she said that she was thirteen.

1 MUSUMECI: Well, honestly I don't remember that. Because thirteen is a lot
2 different than eighteen.

3 BRADY: Ex—exactly. But it's (U/I).

4 MUSUMECI: And a, and a, and a three—.

5 BRADY: (U/I) it's the first thing (U/I) told you.

6 MUSUMECI: Well, but a three looks very much like an eight, too. So, you know.

7 BRADY: Well, but that's not the only time she said that you were thir—she
8 was thirteen. She tells you again, right, when you guys were talking
9 about how your going to meet, right?

10 MUSUMECI: Okay, when, when—

11 BRADY: She says again I'm thirteen are you sure that's okay.

12 MUSUMECI: When was that?

13 BRADY: Um, let's see. Looks like, I thought it was the day before you met,
14 but now I can't find it.

15 BRADY: Right. So that's the day after Thanksgiving.

16 MUSUMECI: I would have never ever been with anybody unless they were at
17 least eighteen years old.

18 BRADY: Okay, well, she told you twice though in the chats that was
19 thirteen.

20 MUSUMECI: I'm, and I'm telling you, honestly, that I never ever remember her
21 saying thirteen because I would have said thirteen is not eighteen.
22 I, I believe what you got in front of you, I'm not arguing with you.

23 BRADY: Okay. And you also talked to her today right when you met, and
24 she told you then, again, she was thirteen.

25 MUSUMECI: I don't even—

26 BRADY: When you met in the park.

1 MUSUMECI: I don't even remember her saying the age today.

2 BRADY: Okay. So when—

3 MUSUMECI: And then how come it wasn't in her pro—profile?

4 BRADY: Okay. So what your telling me is that even though she told you
5 twice—

6 MUSUMECI: That's exact—

7 BRADY: In a instant message, and she told you when you met today, you
8 don't remember that?

9 MUSUMECI: That's exactly right. Because thirteen is different, a lot different
10 than eighteen. And if she was thirteen, why wasn't it in her
11 profile?

12 BRADY: You said you didn't remember her profile when (U/I).

13 MUSUMECI: Yeah, well, I, the New York Ci—I told you, she's in New York
14 City for now, and she also said that she was staying with her
15 grandmother, l—and, and going to s—staying for the summer in,
16 with her grandmother and going to school in '05.

17 RYAN: Does it state in your profile your age?

18 MUSUMECI: You know something, I, I honestly don't know. I, I, I, I don't know.

19 BRADY: I, you also said that you—.

20 MUSUMECI: Does it state, I'm sorry, does it state in my other profile, under
21 JMUS my age (U/I) also?

22 RYAN: We don't have that in front of us.

23 MUSUMECI: Oh, oh, okay.

24 BRADY: Um, you also sent her e-mails, right, you said that. It looks like a
25 couple here.

26 MUSUMECI: I'm telling you it can only be a couple.

1 BRADY: It looks like maybe six or seven. And you sent her pictures, right?

2 MUSUMECI: Yes, I did.

3 BRADY: Alright, and—

4 MUSUMECI: Yes, I know the pictures I sent, yes. I sent her two pictures.

5 BRADY: Right.

6 MUSUMECI: I sent her one to my face.

7 BRADY: Right.

8 MUSUMECI: And one of the private part.

9 BRADY: And this is the one you sent her?

10 MUSUMECI: That's the private part.

11 BRADY: Okay. And what, you took this with a web cam or something like
12 that?

13 MUSUMECI: Yes.

14 BRADY: Okay. Is there anything else that you feel like you should tell me at
15 this point or—?

16 MUSUMECI: There, there's really nothing else to say. Obviously I intended to
17 fool around with her, that's, you know, that's a given.

18 BRADY: Okay. Alright, that concludes the video statement. It is now 8:24
19 p.m.

20 RYAN: Okay. (U/I).

21 MUSUMECI: And I guess it's—

22 [Conversation Ends]